

TEXAS WATER COMMISSION

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October 15, 1987

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FILE

FEB 16 1993

REORGANIZED

Richard A. Pearce, P.E.  
Law Engineering Testing Company  
5500 Guhn Road  
Houston, Texas 77040

Re: Lincoln Properties, Phase I and II Building Sites  
100 Congress Avenue, Austin, Texas

Dear Mr. Pearce:

TKD 981155971  
*Lincoln Properties*

This letter represents the Texas Water Commission (TWC) response to your letter dated September 8, 1987 and our October 1, 1987 meeting with you and others regarding said letter. Our written comments are noticeably briefer than some of our comments during the October meeting but, we believe, still capture the essence of our responses. If you believe otherwise or need further clarification, please notify us.

Questions and responses:

A. Phase I Water Treatment System

- 1. For the receiving stream, Town Lake, Segment 1429, the annual averages for the constituents in question are as follows:

Chloride	70 mg/l
Sulfate	50 mg/l
Total Dissolved Solids	410 mg/l

These limits are annual averages which are based on representative samples taken from the segment. In setting numerical limits for these constituents in a discharge permit, the relative flow rate of the discharge as compared to the flow in the segment is taken into consideration. Based on your present flow rate and the sample analyses included with your letter of September 14, 1987, the current levels of these constituents are acceptable.

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When any permit application is submitted to this agency, it is reviewed and processed according to TWC rules and guidelines. The final decision for issuing each individual permit is made by the commissioners. At this time, there is a moratorium against permits for discharges to the Highland Lakes (Lake Austin, Travis, etc.) which may significantly affect the Commission's consideration of a request for a discharge permit to Town Lake.

2. EPA Method 510.B, Standard Methods, 14th Edition, is the approved method for measuring phenols at low concentrations. The detection limit generally used by this agency for phenol is 0.005 mg/l.

At this time, there is no EPA approved method for analyzing formaldehyde at low concentrations. Therefore, there is no detection limit set by this agency for formaldehyde.

- B. 1. Site cleanup of contaminated soils and removal of any other solid wastes remaining onsite remain under the jurisdiction of the Texas Department of Health (TDH). As pointed out by the TDH, groundwater contamination would be addressed by the TWC.
- B. 2. The Phase II site owner would be responsible for contaminated ground water flowing onto the site attributed to the on-site sources, but not for offsite sources of contamination and associated contaminated ground water. Adjacent property owners and/or parties bearing responsibility for the source of contamination would have responsibility for off site contaminated ground water.
- B. 3. The Phase II site owner is not responsible for contaminated soils or waste solids under adjacent property not under their ownership or attributable to sources/actions under their control.
- B. 4. Phase II site owners may be responsible for similar contamination which may have migrated offsite if no other source can be established. With documentation of other contamination sources, the appropriate property owners would be responsible (see B.2.).
- C. 1. The TDH is responsible for approving cleanup of the onsite source of contamination. The TWC would provide comments on any plan to remove solids, but would not otherwise be involved.

Richard A. Pearce, P.E.

Page 3

October 15, 1987

- C. 2. The Phase II site is subject to regulation under CERCLA (meets requirements of hazardous substance release). However, the TWC would not currently support the ranking and submittal of any site which is being actively remediated by private parties. Further, in order to be placed upon the National Priorities list the site would have to "rank" high enough.
- C. 3. Contaminated ground-water must be captured and disposed of in an appropriate manner (i.e. treat and discharge, haul off, etc.). Acceptable concentration levels of substances in the ground water would be determined on area background water quality or published drinking water standards.
- C. 4. Adjacent property owners would not be responsible for contaminated ground water coming onto the Phase II site following "clean closure" of the Phase II site. If "clean closure" is not achieved then the offsite source of contamination may not be the sole cause of groundwater contamination onsite. Therefore the Phase II site owners could be responsible for onsite contaminated ground water.
- C. 5. At this time, a closure plan for the Phase II site would not have to address contaminated soil on or under adjacent property not owned by Phase II site owners.

Sincerely,



Samuel B. Pole, Chief  
Hazardous and Solid Waste Enforcement Section  
Hazardous and Solid Waste Division

SBP:je

Robert Wallace - Radian

Kevin Fleming - Lincoln Properties